

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>MELINDA BROWN,</b>	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 08-1265
v.	)	
	)	
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	)	Judge Joy Flowers Conti
	)	Magistrate Judge Lisa Pupo Lenihan
	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

Plaintiff's Complaint was received by the Clerk of Court on September 11, 2008 and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges' Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's report and recommendation (Doc. No. 17) filed on August 28, 2009, recommended that defendant's motion for summary judgment (Doc. No. 15) be denied, and plaintiff's motion for summary judgment (Doc. No. 11) be granted and that the case be remanded to the ALJ for further consideration as discussed in the Report and Recommendation. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges' Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, that they had ten (10) days to file any objections. No objections were filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, this 22<sup>nd</sup> day of September, 2009;

**IT IS HEREBY ORDERED** that Motion for Summary Judgment filed by defendant Commissioner of Social Security (Doc. No. 15) is **DENIED**.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment filed by Plaintiff Melinda Brown (Doc. No. 11) is **GRANTED** and that the case is remanded to the Administrative Law Judge for further consideration as discussed in the report and recommendation.

**IT IS FURTHER ORDERED** that the report and recommendation (Doc. No. 17) of Magistrate Judge Lenihan, dated August 28, 2009, is adopted as the opinion of the court.

/s/ Joy Flowers Conti  
The Honorable Joy Flowers Conti  
United States District Judge

cc: The Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

All counsel of record  
Via electronic filing